

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT **Mar 12, 2021**
EASTERN DISTRICT OF WASHINGTON

SEAN F. MCAVOY, CLERK

LEON R.¹,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:20-cv-00160-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 19, 23

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 23, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorneys Timothy Anderson and Victoria Chhagan represent Plaintiff. Attorney Katherine Watson represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 23**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the
4 Commissioner of Social Security for further administrative proceeding pursuant to
5 sentence four of 42 U.S.C. § 405(g).

6 On remand, the parties stipulate that the Appeals Council will instruct the
7 ALJ to:

- 8 • Provide the claimant an opportunity for a new hearing
- 9 • Reevaluate whether the claimant's impairments meet or equal the
10 severity of Listing 3.09;
- 11 • Obtain supplemental evidence from a vocational expert to clarify the
12 effect of the assessed limitation on the claimant's base;
- 13 • Before relying on the vocational expert testimony, identify and
14 resolve any conflicts between the occupational evidence by the
15 vocational expert and the information in the Dictionary of
16 Occupational Titles and its companion publication, the Selected
17 Characteristics of Occupations;
- 18 • As needed, reevaluate the medical opinion evidence;
- 19 • If the claimant is found disabled, determine whether drug addiction
20 and alcoholism are contributing factors material to the determination

1 of disability in accordance with 20 C.F.R. §§ 404.135 and 416.935;

2 and

- 3 • Issue a new decision.

4 *See* ECF No. 23 at 2.

5 3. Judgment shall be entered for **PLAINTIFF**.

6 4. Plaintiff's Motion for Summary Judgment, **ECF No. 19**, is **STRICKEN**
7 **AS MOOT**.

8 5. Upon proper presentation, this Court consider Plaintiff's application for
9 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

10 The District Court Executive is directed to enter this Order, **enter**
11 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

12 DATED March 12, 2021.

13 s/Mary K. Dimke
14 MARY K. DIMKE
UNITED STATES MAGISTRATE JUDGE